

Remarks

The reply that Applicants filed on 19 December 2003 was considered not fully responsive to the prior Office Action because it did not present arguments pointing out the specific distinctions believed to render newly added Claims 45–63 patentable over any applied references.

As discussed in the December 19, 2003 response, and as discussed in the present application, in the field service industry, a technician may perform administrative or clerical tasks away from the job site and at the job site. Some field service wireless communication systems include software that will operate only if a connection is available through a network. Thus, such software fails when any technician, using a wireless device, moves to a location outside the coverage area associated with the wireless service. Further, in some field service wireless communication systems, the technician needs to take overt action to transmit data after returning to the coverage area associated with the wireless service.

Dadiomov, cited in the June 19, 2003 Office Action, does not provide a solution for these deficiencies—which is not surprising given Dadiomov never expressly or inherently mentions communications networks that are intermittently available or any problems associated with such networks. In fact, although the Examiner noted in Office Action that Dadiomov discloses a modem, Dadiomov fails to identify whether the modem is an always-on modem (e.g., a cable modem or a DSL modem) and fails to discuss expressly or inherently whether the modem would be persistently available or intermittently available. Further, as the Examiner admits in the Office Action, Dadiomov fails to disclose a wireless communications network, which may be intermittently available for any of a number of reasons including but not limited to moving outside a coverage range of a wireless service provider. “In order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor, or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” MPEP § 2141.01(a) at 2100-117 (quoting *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992)). Dadiomov simply fails to provide any

solutions for deficiencies in intermittently available communications networks or in wireless networks.

New Claims 45–51 depend from independent Claim 1. Therefore, Claims 45–51 are believed to be patentable over the applied references for the same reasons that Claim 1 is believed to be patentable. Claim 1 recites limitations that are neither taught nor suggested by the applied references, and these limitations of Claim 1 are incorporated into new Claims 45–51 by virtue of the claim dependency. For example, Claim 1 recites “determining that communication over the intermittently available communications network between the service center system and the remote, portable wireless system has been interrupted,” “holding the message and the message status in the first message queue during the interruption,” “automatically reconnecting the remote, portable wireless system to the intermittently available communications network,” and “determining that the communication over the intermittently available communications network between the service center system and the remote, portable wireless system has been reestablished, and automatically transmitting sending the message from the host message agent over the intermittently available communications network to the remote message agent.” Furthermore, new Claims 45–51 recite additional limitations that Applicants respectfully submit are independently patentable over the applied references.

For example, the cited references neither teach nor suggest: “wherein at least a portion of the intermittently available communications network comprises the Internet and the message is transmitted at least in part over the Internet; and wherein the remote, portable wireless system communicates with the intermittently available communications network directly via the wireless communications network; and wherein the wireless communications network comprises a cellular radio frequency network” as recited by Claim 45. Nor do the cited references teach or suggest “wherein at least a portion of the intermittently available communications network comprises the Internet and the message is transmitted at least in part over the Internet; and wherein the remote, portable wireless system communicates with the intermittently available communications network directly via the wireless communications network,” as recited

by Claim 46. The cited references neither teach nor suggest: "wherein the service center selects a first protocol from a plurality of available protocols for transmitting the message," as recited by Claim 47. The cited references further fail to teach or suggest: "wherein at least a portion of the intermittently available communications network comprises the Internet and the message is transmitted at least in part over the Internet, as recited by Claim 48. Nor do the cited references teach or suggest "wherein the wireless communications network comprises a cellular radio frequency network," as recited by Claim 49. Similarly, the cited references fails to teach or suggest the message of Claim 1 "is transmitted at least in part over at least one of a land line telephone connection, an analog cellular telephone connection, a digital cellular telephone connection, a pager network, and a television cable network," as recited by Claim 50 or "wherein the message is transmitted at least in part using radio frequency communication," as recited by Claim 51.

New Claims 52–55 depend from independent Claim 7. Therefore, Claims 53–55 are believed to be patentable over the applied references for the same reasons that Claim 7 is believed to be patentable. Claim 7 recites limitations that are neither taught nor suggested by the applied references, and these limitations of Claim 7 are incorporated into new Claims 52–55 by virtue of the claim dependency. For example, Claim 7 recites a "remote message agent in communication with the host message agent via a communications medium an intermittently available wireless communications network," and "a second message queue attached to in communication with the remote message agent and to with the remote, wireless system; wherein the first message queue is configured to store the message and the status of the message, and to receive updates to the status of the message from the host message agent, and the service center system determines when communication with the remote, wireless system, over the intermittently available wireless communications network, has been interrupted, and the host message agent sending is configured to send the message to the remote message agent across the communications medium over the intermittently available wireless communications network upon determining that communication with the remote, wireless system has been reestablished, the remote message agent

sending configured to send an acknowledgement of the message to the host message agent upon receipt of the message, and the remote message agent passing configured to pass the message to the second message queue for access by the remote system." Furthermore, new Claims 53–55 recite additional limitations that Applicants respectfully submit are independently patentable over the applied references as similarly discussed above with respect to Claims 45-51.

New Claim 56 is independent; new claims 57–63 depend from Claim 56. New Claim 56 recites limitations that are neither taught nor suggested by the applied references. For example, Claim 56 recites "storing a first message in a queue to be sent between a first system and a portable, wireless system, the portable, wireless system being coupled, at least in part via a wireless communications network, to the first system," "sending the first message," and "determining whether an acknowledgement associated with the first message has been received and, if an acknowledgement associated with the first message has not been received, resending the message." Furthermore, new Claims 57–63 recite additional limitations that Applicants respectfully submit are independently patentable over the applied references as similarly discussed above.

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In view of the foregoing remarks, Applicants submit that this submission is fully responsive to the Office Action. Applicants further submit that that application is in condition for allowance, and respectfully requests the same. If, however, some issue remains that the Examiner feels can be addressed by an Examiner's Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Respectfully submitted,

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